

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2870 of 2017**

- Mahettar Dansena S/o Shri Bhagatram, Aged About 55 Years
R/o Marodarha, Tahsil And Police Station Saria District Raigarh
Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through S. H. O. Of The Police Station
Saria, District Raigarh Chhattisgarh

---- Respondent

For Applicant	: Shri Abhishek Saraf, Advocate
For Respondent/State	: Shri Anant Bajpai, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****18.5.2017**

1. Heard the matter finally.
2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with crime No.47/2017, registered at Police Station Saria, Distt. Raigarh(CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.
3. Learned counsel for the applicant submits that the applicant is arrested on 11.4.2017 and after investigation police had filed the charge sheet before the CJM Raigarh as Cr. Case No. 219/2017. As per allegations from the possession of the applicant 8 bulk liters of handmade country liquor has been seized. He

further submits that he is the first offender and he has no criminal background; he will not commit any offence in future, therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application on the basis of handmade country liquor so seized and submits that also earlier 2 preventive proceedings have been initiated against the applicant as complaint case No. 137/2008 under Section 107, 116(3) CrPC and complaint case No. 211/2016 under Section 107, 116(3) CrPC goes to show the conduct of the applicant in the society.

5. I have heard the counsel appearing for the parties and perused the material.

6. Without commenting on merits, considering the totality of the facts and circumstances of the case, the applicant is in detention since 1 month and 7 days; charge sheet has been filed; trial may take some time and earlier 2 cases in connection with preventive proceedings have been initiated against the applicant, I am inclined to grant last opportunity to the applicant so that he shall not involve in any of the offence and shall remain in the society peacefully.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.30,000/- with one surety in the like sum to the satisfaction of the C.J.M. Raigarh for his appearance before the said trial Court as and when directed.

9. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of the above , the Court below may proceed further under the provisions of law, under intimation.

Certified copy as per rules.

Sd
(Chandra Bhushan Bajpai)
JUDGE